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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,778	11/17/2003	Martin A. Allen	024863-000082	2416
24239	7590	04/18/2007	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			BODAWALA, DIMPLE N	
		ART UNIT		PAPER NUMBER
				1722
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/18/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,778	ALLEN ET AL.	
	Examiner Dimple N. Bodawala	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 and 30-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 8-11 and 20-23 is/are allowed.
- 6) Claim(s) 1-7, 12-19, and 30-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Claims 1-23, and 30-32 are pending.

In view of the amendment, filed on February 20th, 2007 following rejections are maintained for the reasons of record as given in the previous office action, mailed on August 21st, 2006.

- ✓ Rejection of claims 1-7 and 12-19 under 35 U.S.C. 102
 - (e) as being anticipated by Haynes et al. (U S Patent No. 6,709,623).

In view of the amendment, filed on February 20th, 2007 following rejection/objection is withdrawn from the previous office action, mailed on August 21st, 2006.

- ✓ Rejection of claims 7, 9, 11, 19, 21, and 23 under 35 U.S.C. 112, second paragraph, for being indefinite.
- ✓ Objection of claims 6, 7, 10, 17, 19, and 22.
- ✓ Rejection of claims 8-9 and 20-21 under 35 U.S.C. 102
 - (b) as being anticipated by Massey et al. (U S Patent No. 3,274,644).

Allowable Subject Matter

Claims 8-11, and 20-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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The prior art of record fails to teach or suggest a drawing device for manufacturing a plurality of filament received from a spin pack as recited in claims 8-11, and 20-23. The closest prior arts disclosed by Massey et al. (U S Patent No. 3,274,644) and Haynes et al. (U S Patent No. 6,709,623) do not teach or suggest: each of said plurality of guides having a plurality of facets inclined at different angles relative to said downward direction as recited in claims 8 and 20; a plurality of guides having an angle relative to the discharge direction that progressively varies across a width of an outlet, the guides aligned in a row proximate to the outlet of a drawing device (manifold) that receives filaments from a spin pack; and the drawing device (manifold) adapted to apply a high-velocity flow of air within a slotted passageway of the drawing device as recited in claims 10 and 22. Nor does there appear to be any reason in these references, or combined with any of the other prior art of record, to modify the devices to result in such a combination of features.

Response to Arguments

Applicant's arguments filed on February 20th, 2007 have been fully considered but they are not persuasive.

Applicant argues that the teeth in the prior art, Haynes ('623) not aligned in a first row oriented in a cross-machine

direction. Applicant further argues that the side surfaces (301) in Haynes ('623) are not aligned in a second row oriented in cross-machine direction. Furthermore, Applicant argues that the Haynes ('623) fails to teach each and every element in the precise arrangement set forth in independent claims 1 and 12, as amended.

This is not found persuasive segment because the prior art discloses the draw unit, which comprises the teeth as first guides and groove (301) as second guides, which are aligned to the support (307) in a first row oriented and second orientation respectively in a cross machine direction (See figure 3, col.3 lines 17-21; and col.8 lines 1-11). Therefore, rejection of claims 1-7, 12-19, and 30-32 are anticipated by Haynes ('632).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dimple N. Bodawala whose telephone number is (571) 272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra N. Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DNB


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